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| Perkins Coie LLP | | | CHBOUKI, TAREK | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/777,418 | Applicant(s) ARMITANO ET AL. | |
| | Examiner TAREK CHBOUKI | Art Unit 2165 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7,9-15,17-21,24-32,34,35,38-44 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,9-15,17-21,24-32,34,35,38-44 and 46-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/06/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office action has been issued in response to amendment filed on 01/27/2009.

Claims 5-6, 8, 16, 22-23, 33, 36-37 and 45 are cancelled and 1-4, 7, 9-15, 17-21, 24-32, 34-35, 38-44 and 46-48 are pending. Applicants' arguments have been carefully and respectfully considered and a new ground of rejection is made. Accordingly, this action has been made FINAL, as necessitated by amendment.

Response to Arguments

Applicant's arguments are fully considered and are moot in view of the new ground of rejection.

Claim Objections

Storage Claims 35 and 38 are objected to because they are referring respectively to method claims 30 and 33. Examiner is treating storage claims 35 and 38 to be dependent from storage claim 34. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was

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made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 7, 9-12, 15, 18-28, 34-35, 38-39, 42, 44 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Dawson, Colin Scott et al (hereinafter Dawson) US Patent No. 6311213 in view of Corbin, John R (hereinafter Corbin) US Patent No. 5138712.

As per claim 1, Dawson discloses:

A method of operating a storage server, the method comprising:

receiving at the storage server, from a client, a first request to perform a storage-related operation relating to a set of data;

(Column 6, lines 5-10, wherein the storage server is the source server).

responding to the first request at the storage server by using metadata in the storage server to determine whether the set of data is stored in local storage of the storage server or externally to, and remotely from, the storage server;

(Column 6, lines 45-52 and column 7, lines 22-34, indicate the source server using the metadata in order to determine local storage of the server).

in response to determining that the set of data is stored externally to, and remotely from, the storage server[;],

(Column 7, lines 34-38, indicate the source server determining that the storage location is external (target server)).

generating a second request in the storage server;

(Column 7, lines 34-57, wherein the opening a communication channel with the target server in order to store data is “generating a second request”).

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and sending the second request and information relating to the set of data from the storage server to a policy engine,

(Column 6, lines 1-3, wherein the target server contains the storage management policies).

retrieving the set of data from storage on behalf of the storage server and providing the set of data to the storage server in conjunction with a first response;

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests).

receiving the first response and the set of data at the storage server, from the policy engine, the first response indicating a result of the policy engine having implemented the policy based on the information relating to the set of data;

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy).

and sending a second response in accordance with the first response from the storage server to the client.

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy).

Dawson discloses applying the storage management policies but do not go into detail regarding applying policy based on the information relating to the set of data, however in an analogous art of data storage,

Corbin teaches:

wherein the policy engine responds to the second request by applying an applicable policy based on the information relating to the set of data,

(FIG. 1 and Column 5, 19-23).

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Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin by incorporating the teaching of Corbin into the method of Dawson. One having ordinary skill in the art would have found it motivated to use storage policy of Corbin into the system of Dawson for the purpose of controlling storage use licensing.

As per claim 2, Dawson and Corbin teach:

A method as recited in claim 1, wherein the policy engine is external to the storage server.

(Column 7, lines 34-38, indicate the source server determining that the storage location is external (target server))(Dawson).

As per claim 3, Dawson and Corbin teach:

A method as recited in claim 1, wherein the storage server and at least a portion of the policy engine are implemented in a single physical platform.

(Column 6, lines 1-3, wherein the target storage server contains the storage management policies)(Dawson).

As per claim 4, Dawson and Corbin teach:

A method as recited in claim 1, wherein the first request is a request for a file managed by the storage server.

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy)(Dawson).

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As per claim 7, Dawson and Corbin teach:

A method as recited in claim 4, wherein the file type of the file is indicated in the information relating to the set of data.

(Column 8, lines 63-65)(Dawson).

As per claim 9, Dawson and Corbin teach:

A method as recited in claim 1, wherein the policy engine determines whether to approve or deny the second request based on an identity of the client.

(Column 2, lines 60-68)(Corbin).

As per claim 10, Dawson and Corbin teach:

A method as recited in claim 1, wherein the policy engine determines whether to approve or deny the second request based on an identity of a user of the client.

(Column 2, lines 60-68)(Corbin).

As per claim 11, Dawson and Corbin teach:

A method as recited in claim 1, wherein the policy engine determines whether to approve or deny the second request based on an identity of the storage server

(Column 9, lines 33-41)(Dawson).

As per claim 12, Dawson and Corbin teach:

A method as recited in claim 11, wherein the information relating to the set of data comprises information specifically identifying the storage server from among a plurality of storage servers that are coupled to the policy engine.

(FIG. 1 and column 5, lines 6-30)(Corbin).

As per claim 15, Dawson and Corbin teach:

A method as recited in claim 1, wherein the storage server defers sending the client any response to the first request until the storage server receives the first response from the policy engine.

(Column 6, lines 1-10, wherein first request (client to source server) response is delayed until target server (policy engine) send feedback)(Dawson).

As per claim 18, Dowson discloses:

**A method of operating a policy engine, the method comprising:
receiving at the policy engine, from a storage server, a first request and information relating to a set of data,**

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests).

the first request being in response to a storage- related client request received by the storage server from a client and relating to the set of data applying a policy in the policy engine using the information relating to a set of data;

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests and wherein target server applies management policies).

responding to the first request at the policy engine the set of data from storage on behalf of the storage server after applying the policy;

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(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests and wherein target server retrieves data after applying management policies).

and providing the set of data from the policy engine to the storage server in conjunction with a first response, the first response indicating a result of applying the policy,

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests and wherein target server retrieves data after applying management policies and starts the file transfer between the client and target server).

the first response to cause the storage server to send a second response to the client in accordance with the first response.

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests and wherein target server retrieves data after applying management policies and starts the file transfer between the client and target server).

Dawson discloses applying the storage management policies but do not go into detail regarding applying policy based on the information relating to the set of data, however in an analogous art of data storage, Corbin teaches:

retrieving the set of data from storage on behalf of the storage server after applying the policy;

(FIG. 1 and Column 5, 19-23).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin by incorporating the teaching of Corbin into the method of Dawson. One having ordinary skill in the art would have found it motivated to use storage policy of Corbin into the system of Dawson for the purpose of controlling storage use licensing.

As per claim 19, Dawson and Corbin teach:

A method as recited in claim 18, wherein the policy engine is external to the storage server.

(Column 7, lines 34-38, indicate the source server determining that the storage location is external (target server))(Dawson).

As per claim 20, Dawson and Corbin teach:

A method as recited in claim 18, wherein the storage server and at least a portion of the policy engine are implemented in a single physical platform. (Column 6, lines 1-3, wherein the target storage server contains the storage management policies)(Dawson).

As per claim 21, Dawson and Corbin teach:

A method as recited in claim 18, wherein the client request is a request for a file managed by the storage server.

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy)(Dawson).

As per claim 24, Dawson and Corbin teach:

A method as recited in claim 18, wherein the file type of the file is indicated in the information relating to the set of data.

(Column 8, lines 63-65)(Dawson).

As per claim 25, Dawson and Corbin teach:

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A method as recited in claim 18, further comprising using the policy engine to define a criterion in the storage server, for use by the storage server to determine when a subsequent client request is to be referred to the policy engine for resolution.

(FIG. 1 and Column 5, 19-23, wherein request for storage is referred to license policy)(Corbin).

As per claim 26, Dawson and Corbin teach:

A method as recited in claim 18, wherein applying the policy comprises approving or denying the second request based on an identity of the client.

(Column 2, lines 60-68)(Corbin).

As per claim 27, Dawson and Corbin teach:

A method as recited in claim 18, wherein applying the policy comprises approving or denying the second request based on an identity of a user of the client.

(Column 2, lines 60-68)(Corbin).

As per claim 28, Dawson and Corbin teach:

A method as recited in claim 18, wherein applying the policy comprises approving or denying the second request based on an identity of the storage server.

(Column 9, lines 33-41)(Dawson).

As per claim 34, Dowson discloses:

A storage system comprising:

a storage server to provide a client with access via a network to data in a mass

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storage facility (FIG. 4),

the storage server configured to receive from the client a first request to perform a storage-related operation relating to a set of data managed or to be managed by the storage server,

(Column 6, lines 5-10, wherein the storage server is the source server).

and to generate a second request if the first request satisfies a defined criterion;

(Column 7, lines 34-57, wherein the opening a communication channel with the target server in order to store data is “generating a second request”).

and a remote policy engine coupled to the storage server to receive the second request and information relating to the set of data from the storage server,

(Column 7, lines 34-38, indicate the source server determining that the storage location is external (target server containing the management policies) and (Column 6, lines 1-10, wherein target server is receiving the second request (coming from the source server)).

to send a first response to the storage server based on a result of implementing the policy,

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy).

the storage server further configured to send a second response to the client in accordance with the first response;

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy).

wherein the storage server responds to the first request by using metadata in the storage server to determine that whether the set of data is stored in local storage of the storage server or externally to, and remotely from the storage server,

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(Column 6, lines 45-52 and column 7, lines 22-34, indicate the source server using the metadata in order to determine local storage of the server).

And provides the set of data to the storage server in conjunction with the first response.

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy).

Dawson discloses applying the storage management policies but do not go into detail regarding applying policy based on the information relating to the set of data and approving or denying the request, however in an analogous art of data storage, Corbin teaches:

and the remote policy engine responds to the second request by retrieving the set of data from remote storage on behalf of the storage server.

(FIG. 1 and Column 5, 19-23).

the remote policy engine configured to approve or deny the second request by implementing a policy using the information relating to the set of data

(Column 2, lines 60-68)

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin by incorporating the teaching of Corbin into the method of Dawson. One having ordinary skill in the art would have found it motivated to use storage policy of Corbin into the system of Dawson for the purpose of controlling storage use licensing and approving/denying the storage request accordingly.

As per claim 35, Dawson and Corbin teach:

A storage system as recited in claim 30, wherein the first request is a request for a file managed by the storage server.

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(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy)(Dawson).

As per claim 38, Dawson and Corbin teach:

A storage system as recited in claim 33, wherein the file type of the file is indicated in the information relating to the set of data.

(Column 8, lines 63-65)(Dawson).

As per claim 39, Dawson and Corbin teach:

A storage system as recited in claim 34, wherein the remote policy engine determines whether to approve or deny the second request based on the client.

(Column 2, lines 60-68)(Corbin).

As per claim 42, Dawson and Corbin teach:

A storage system as recited in claim 34, wherein the information relating to the set of data comprises information specifically identifying the storage server from among a plurality of storage servers that are coupled to the remote policy engine.

(FIG. 1 and column 5, lines 6-30)(Corbin).

As per claim 44, Dawson and Corbin teach:

A storage system as recited in claim 34, wherein the storage server does not send the client any response to the first request until the storage server receives the first response from the remote policy engine.

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(Column 6, lines 1-10, wherein first request (client to source server) response is delayed until target server (policy engine) send feedback)(Dawson).

As per claim 47, Dowson discloses:

A storage system comprising:

a plurality of storage servers, each to provide a set of clients with access to corresponding stored data (FIG. 4);

and a policy engine to receive requests from each of the storage servers, each request being based on a previous storage-related request received by one of the storage servers from a client,

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests).

the policy engine configured to respond to each request by implementing one or more of a set of storage-related policies and to send a response to a requesting storage server based on a result of implementing the policy,

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) is the conjunction of first and second requests and wherein target server applies management policies).

and wherein the storage servers respond to the storage-related requests from clients in a manner synchronous with the responses from the policy engine.

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file (synchronous) to be stored is the result of successful communication between client, source server and target server containing storage policy).

Dawson discloses applying the storage management policies but do not go into detail regarding policy being specific to a particular storage server, however in an analogous art of data storage, Corbin teaches:

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wherein one or more of the policies are specific to a particular storage server,

(Column 1, lines 58-60)

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin by incorporating the teaching of Corbin into the method of Dawson. One having ordinary skill in the art would have found it motivated to use storage policy of Corbin into the system of Dawson for the purpose of controlling the utilization each storage based on the licensing criteria.

As per claim 48, Dowson discloses:

A method of operating a storage server, the method comprising:

receiving at the storage server, from a client, a request to perform a storage- related operation relating to a set of data;

(Column 6, lines 5-10, wherein the storage server is the source server).

if the first request satisfies a defined criterion,

(Column 6, lines 5-6 and column 9, lines 29-32, wherein the criteria is successfully connecting to the source server and determining the data is stored externally).

then operating the storage server to invoke a policy engine configured to determine a disposition of the request,

(Column 4, lines 60-65 and column 6, lines 1-10, identify/determine the request disposition).

the policy engine being external to the storage server,

(Column 6, lines 45-52 and column 7, lines 22-34, indicate the source server using the metadata in order to determine local storage of the server).

receiving at the storage server a response from the policy engine indicating a disposition of the request;

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(Column 4, lines 60-65 and column 6, lines 1-10, wherein the file transfer is the done after determining the disposition of request).

and responding to the request in accordance with the response from the policy engine

(Column 6, lines 1-10, wherein communication between client and source server and source server and target server (storage policies) and transfer of file to be stored is the result of successful communication between client, source server and target server containing storage policy).

Dawson discloses applying the storage management policies but do not go into detail regarding approving or denying the request, however in an analogous art of data storage, Corbin teaches:

wherein the policy engine operates to restrict access to the set of data, including restricting ability to open, close and modify the set of data;

(Column 2, lines 60-68)

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin by incorporating the teaching of Corbin into the method of Dawson. One having ordinary skill in the art would have found it motivated to use storage policy of Corbin into the system of Dawson for the purpose of restricting storage use based on licensing and approving/denying the storage request accordingly.

2. Claims 13-14, 29-32, 40-41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson, Colin Scott et al (hereinafter Dawson) US Patent No. 6311213 and of Corbin, John R (hereinafter Corbin) US Patent No. 5138712 in view of Theimer, Marvin M. et al (hereinafter Theimer) US Patent No 5649099

As per claim 13, Dawson and Corbin disclose the policy engine but do not explicitly disclose using quota to approve or deny request, However in an analogous of data storage, Theimer teaches:

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approve or deny the second request based on a quota.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on quota.

As per claim 14, Dawson and Corbin disclose the policy engine but do not explicitly disclose using frequency of resource access to approve or deny request, However in an analogous of data storage, Theimer teaches:

approve or deny the second request based on a number of times the set of data has been accessed during a period of time.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on frequency of use.

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As per claim 29, Dawson and Corbin disclose the policy engine but do not explicitly disclose using quota to approve or deny request, However in an analogous of data storage, Theimer teaches:

approving or denying the second request based on a user-based quota.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on quota.

As per claim 30, Dawson and Corbin disclose the policy engine but do not explicitly disclose using quota to approve or deny request, However in an analogous of data storage, Theimer teaches:

approving or denying the second request based on a quota applicable to the set of data.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on quota.

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As per claim 31, Dawson and Corbin the policy engine but do not explicitly disclose using quota to approve or deny request, However in an analogous of data storage, Theimer teaches:

approving or denying the second request based on a quota applicable to the storage server.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on quota.

As per claim 32, Dawson and Corbin disclose the policy engine but do not explicitly disclose using frequency of resource access to approve or deny request, However in an analogous of data storage, Theimer teaches:

approving or denying the second request based on a number of times the set of data has been accessed during a period of time.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use

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the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on frequency of use.

As per claim 40, Dawson and Corbin disclose the policy engine but do not explicitly disclose using quota to approve or deny request, However in an analogous of data storage, Theimer teaches:

approve or deny the second request based on a user-based quota.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on quota.

As per claim 41, Dawson and Corbin disclose the policy engine but do not explicitly disclose using quota to approve or deny request, However in an analogous of data storage, Theimer teaches:

approve or deny the second request based on a quota applicable to the set of data.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the

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method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on quota.

As per claim 43, Dawson and Corbin disclose the policy engine but do not explicitly disclose using frequency of resource access to approve or deny request, However in an analogous of data storage, Theimer teaches:

approve or deny the second request based on a number of times the set of data has been accessed during a period of time.

(Column 2, lines 58-60, access controls: Concepts such as restrictions over file types, access time limits, the homework example restrictions, or resource quotas, touch base upon the restriction of the request based on resource quotas).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Theimer by incorporating the teaching of Theimer into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use the quota criteria of Theimer into the system of Dawson and Corbin for the purpose of limit the resource access control based on frequency of use.

3. Claims 17 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson, Colin Scott et al (hereinafter Dawson) US Patent No. 6311213 and of Corbin, John R (hereinafter Corbin) US Patent No. 5138712 in view of Luk, Shun Hang et al (hereinafter Luk) US Publication No 20060195616.

As per claim 17, Dawson and Corbin do not explicitly disclose the file-level and block-level protocol, However in an analogous art of data storage, Luk teaches:

the plurality of storage protocols including a block-level storage protocol (Column 7, lines 18-20)
and a file-level storage protocol (Column 4, lines 60-63).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Luk by incorporating the teaching of Luk into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use storage protocols of Luk into the system of Dawson and Corbin for the purpose of enabling a wide range of storage protocols.

As per claim 46, Dawson and Corbin do not explicitly disclose the file-level and block-level protocol, However in an analogous art of data storage, Luk teaches:

the plurality of storage protocols including a block-level storage protocol (Column 7, lines 18-20)
and a file-level storage protocol (Column 4, lines 60-63).

Therefore, it would have been obvious to a person in the ordinary skill in the art at the time of the invention to combine Dawson and Corbin and Luk by incorporating the teaching of Luk into the method of Dawson and Corbin. One having ordinary skill in the art would have found it motivated to use storage protocols of Luk into the system of Dawson and Corbin for the purpose of enabling a wide range of storage protocols.

Conclusion

As necessitated by amendment, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tarek Chbouki whose telephone number is 571-2703154. The examiner can normally be reached on Mon-Fri 7:30 am to 5:00 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chace Christian can be reached on 571-2724190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Tarek Chbouki/

Examiner, Art Unit 2165

05/07/2009

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165